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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,937	07/31/2003	Steven N. Bathiche	003797.00563	1230

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EXAMINER

SHAPIRO, LEONID

ART UNIT PAPER NUMBER

2677

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,937	Applicant(s) BATHICHE, STEVEN N.	
	Examiner Leonid Shapiro	Art Unit 2677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 31-47 is/are pending in the application.
- 4a) Of the above claim(s) 31-35 and 39-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-24 and 36-38 is/are rejected.
- 7) ☐ Claim(s) 5, 6, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4, 7-13, 15, 19-24, 36, 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Gelbman (US Patent no. 6,753,830 B2).

As to claim 1, Gelbman teaches a method for labeling a key on a hardware input device (See Fig. 10, item 16, Col. 19, Lines 43-63), wherein a plurality of pattern layers are associated with a key, one of first and second pattern layers being disposed on top of the other of the first and second pattern layers (See Col. 3, Lines 25-34), said method comprising the steps of:

receiving a first control signal from a computer in a first context (See Fig. 2, item 24);

displaying at least a portion of the first pattern layer responsive to the first control signal in the first context (See Figs. 1-2, item 16, Col. 8, Lines 32-37 and Col. 3, Lines 25-34);

receiving a second control signal from the computer in a second context (See Fig. 2, item 24) ; and

displaying at least a portion of the second pattern layer responsive to the second control signal in the second context (See Figs. 1-4, item 16, Col. 8, Lines 32-37 and Col. 3, Lines 25-34).

As to claims 2, 38 Gelbman teaches the first control signal represents an application is in focus (in the reference is equivalent to one or more different electronic ink, activation and antenna layers corresponding to instructions) (See Figs. 1-4, items 16, 24, Col. 3, Lines 25-34).

As to claims 3-4, Gelbman teaches the portion of the first pattern layer includes text and icon representing a function associated with the key in active application in the first or second context (in reference label is context sensitive) (See Fig. 10, item 16, Col. 19, Lines 43-63).

As to claims 7-8, Gelbman teaches the first and second pattern layers are in a region adjacent to the key or part of the key (See Fig. 10, item 16, Col. 19, Lines 43-63).

As to claim 9, Gelbman teaches the step of discontinuing the display of the portion of the first pattern layer responsive to the second control signal in the second context (See Figs. 1-2, item 16, Col. 8, Lines 32-37 and Col. 3, Lines 25-34).

As to claim 10-13, Gelbman teaches the first pattern layer includes first and second portions, said displaying the portion of the first pattern layer including displaying the first portion of the pattern layer, receiving a third control signal from the computer in a third context; and displaying the second portion of the first pattern layer responsive to the third control signal in the third context discontinuing the display of any portions of

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the first and second pattern layers displayed (See Figs. 1-2, item 16, Col. 8, Lines 32-37 and Col. 3, Lines 25-34).

As to claim 15, Gelbman teaches a computer-readable medium having computer-executable instructions (See Fig. 2, item 24, Col. 5, Lines 30-60).

As to claim 19, Gelbman teaches a hardware input device for providing inputs to a computer (See Fig. 10, items 16, 100, Col. 19, Lines 43-63), comprising:

a plurality of input keys, at least one key associated with plurality of labels, each label representing a context associated with the key, wherein a label displayed is configured to change in response to a control signal representing a current context generated by the computer (See Fig. 10, items 16, 100, Col. 19, Lines 43-63 and Fig. 2, items 16-18).

As to claims 20-21, Gelbman teaches a plurality of stacked layers configured to display the label representing current context of the key responsive to control signal (See Fig. 10, items 16, 100, Col. 19, Lines 43-63, Col. 3, Lines 25-35 and Col. 8, Lines 33-37).

As to claims 22-24, Gelbman teaches a plurality of stacked layers are in a region adjacent to the key, part of the key, at the bottom of the key (See Fig. 10, items 16, 100, Col. 19, Lines 43-63, Col. 3, Lines 25-35 and Col. 8, Lines 33-37).

As to claim 36, Gelbman teaches a computer readable medium having computer-executable instructions (See Fig. 2, items 24, 28, Col. 29-34) for performing the steps of:

determining a current context of a computer context (Col. 19, Lines 59-60);

generating a control signal representing the current context (See Fig. 2, items 24, 30, from Col. 6, Line 64 to Col. 7, Line 4);

transmitting the control signal to a keyboard (See Fig. 2, items 20A, 30, Col. 7, Lines 5-12), the control signal causing one of a plurality of stacked layers associated with a key of the keyboard to be illuminated (See Col. 3, Lines 25-35), wherein the illuminated layer displays the current context of the key (See Fig. 10, items 98, 100, 16, Col. 19, Lines 43-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-18, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbman in view of Spain (US Patent No. 6,056,195).

As to claim 16, Gelbman teaches a method for labeling a key on a keyboard (See Fig. 10, items 16, 98, 100, Col. 19, Lines 43-63), comprising the steps of:

receiving a control signal to provide instructions to a user (See Fig. 2, item 24, Col. 6, Lines 29-36).

Gelbman does not disclose labeling the key based on the currently configured language.

Spain teaches labeling the key based on the currently configured language (See Fig. 2B, item 56, Col. 4, Lines 27-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Spain teaching into Gelbman system in order to provide different languages capabilities (See Col. 3, Lines 32-35 in the Spain reference).

As to claim 17, Gelbman teaches a plurality of pattern layers are associated with the key, one of first and second pattern layers being disposed on top of the other of the first and second pattern layers, and wherein said labeling includes displaying at least a portion of one of the first and second pattern layers (See Fig. 2, item 16, Col. 8, Lines 33-37 and Col. 3, Lines 25-36).

As to claim 18, Gelbman teaches a plurality of pattern layers are associate with the key (See Fig. 2, item 16, Col. 8, Lines 33-37 and Col. 3, Lines 25-36) and Spain teaches labeling the key based on the currently configured language (See Fig. 2B, item 56, Col. 4, Lines 27-34).

As to claim 37 Gelbman does not disclose labeling the key based on the currently configured language.

Spain teaches labeling the key based on the currently configured language (See Fig. 2B, item 56, Col. 4, Lines 27-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Spain teaching into Gelbman system in order to provide different languages capabilities (See Col. 3, Lines 32-35 in the Spain reference).

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbman in view of Salomon (Pub.: US 2003/0174072 A1).

Gelbman does not disclose the first and second pattern layers are electroluminescent.

Salomon teaches OLED displays configured to display label and electroluminescent (See paragraph 0034).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Salomon teaching into Gelbman system in order to use keys in communications with microprocessors (See paragraph 0008 in the Salomon reference).

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 7-24, 36-38 have been considered but are moot in view of the new ground(s) of rejection.

On page 9, 1st paragraph of Remarks, Applicant's stated that claims 1-28 remain in this Application. However, in Listing of Claims, Claims 27-30 shown as canceled.

Allowable Subject Matter

5. Claims 5-6, 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Relative to claim 5 the major difference between the teaching of the prior art of record (Gelbman, Salomon and Spain) and the instant invention is that the step of displaying at least the portion of the first pattern layer includes illuminating at least the portion of the first pattern layer, and wherein the step of displaying at least the portion of the second pattern layer includes illuminating at least the portion of the second pattern layer.

Claim 6 depend on claim 5.

Relative to claim 25 the major difference between the teaching of the prior art of record (Gelbman, Salomon and Spain) and the instant invention is that the stacked layers are electroluminescent pattern layers located at the bottom of the key in a substrate of the key.

Claim 26 depend on claim 25.

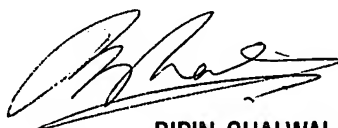
Telephone Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS
03.05.06



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